REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1-3, 5-14, and 16 were rejected. The claims were rejected under Section 103(a) over 3GPP document number 3GPP TR 25.878 v5.1.0. The Examiner noted that, while in an earlier Office Action the Examiner indicated the subject matter claims 1-3, 5-14, and 16 to be allowable, upon further search and consideration, the claims are rejected in views of the new grounds of rejection.

The Applicant acknowledges the Examiner's specificity as to which portion of the reference upon which the Examiner realize to support the new rejection of the claims.

While the rejection of the claims is respectfully traversed, for reasons which follow.

With respect to exemplary claim 1, as now-presented, a determination is made as to whether a ciphering activation time for DPCH information element is present in the message. And, in the event that the ciphering activation time for DPCH information is not present, a message is returned that indicates the absence of the information element.

In the rejection of the claims, the Examiner acknowledged that the 3GPP document fails to disclose the returning of a message indicating the absence of an information element, but the Examiner relies upon page 18, lines 37-39 and page 19, lines 1-13 for disclosing a received reconfiguration message that does not contain the ciphering activation time for DPCH IE.

The Applicant specifically traverses the Examiner's statement that it would be obvious to modify the 3GPP disclosure in the claimed format for the purpose of providing an efficient communication system.

While page 19, lines 5-13 include reference to a received reconfiguration message that does not contain the ciphering activation time for DPCH IE, there is no disclosure nor

suggestion of returning a message indicating the absence of the ciphering activation time for DPCH information element. That is to say, 3GPP document fully fails to consider the generation or sending by the UE of a response that indicates the absence of the ciphering activation time for DPCH information element. And, more generally, the 3GPP document fails to suggest any behavior of the UE in response to the presence or absence of a ciphering mode activation for DPCH IE. And, further, there is no suggestion of sending a response when the IE is absent or of such a response that actually indicates the absence of the IE.

The Examiner further noted that page 19, lines 10 and 14 refer to inclusion of a COUNT-C activation time information element. This information element however, is not the equivalent to, nor would act in a manner similar to, a message that indicates the absence of the ciphering activation time for DPCH information element.

For analogous reasons, the Applicant traverses the Examiner's reliance upon the 3GPP document in the rejection of claims 5 and 16. That is to say, the 3GPP document fails to disclose or suggest selection of an activation for applying ciphering changes for transparent mode radio bearers in the event that the ciphering activation time for DPCH information element is not present. And, with respect to claim 16, the 3GPP document fails to disclose or suggest a control module that selects an activation time for applying ciphering changes for transparent mode radio bearers in the event that the ciphering activation for DPCH information element is not present.

The remaining dependent claims include all the limitation of their respective parent claims. These claims are therefore believed to be patentably distinguishable over the cited reference for the same reasons as those just-given with respect to their parent claims.

Accordingly, in light of the forgoing, independent claims 1, 5, and 16 are believed to be patentably distinguishable over the 3GPP document. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early actions is earnestly solicited.

Respectfully submitted,

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